THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

W.P.No.16558 of 2005

Dated 28th day of July, 2005

Between:

1. Shahrukh Aliuddin, w/o.S.M.Aliuddin,
aged about 55 years Occ: Household
r/o.H.No.9-4-77/3/13, Yousuftekdi,
Tolichowki, Hyderabad. and another …. **Petitioners**

And

1. Municipal Corporation of Hyderabad,
represented by the Commissioner,
having the office at Tankbund, Hyderabad
and 2 others …. **Respondents**

ORDER:

Heard the learned counsel for the petitioners and the learned Standing Counsel for Municipal Corporation of Hyderabad appearing on behalf of the respondents and with their consent, the writ petition is being disposed of finally at the admission stage.

The writ petition is filed seeking a Mandamus to direct the respondents to initiate the Land Acquisition proceedings in respect of the structure and land already acquired in the year 1998 (of which actual extent is 218.80 square yards at the spot and not 86.25 square yards as shown in the plan) under the proceedings No. 58/TPS/MCH/SD/98, dated 23-11-1998 and to pay compensation and all other

benefits in accordance with the provisions of Land Acquisition Act, 1894, and further for the proposed acquisition under the proceedings No.331/TPS/SD/RW/MCH/2005, dated 14-06-2005 of 110.47 square meters of land with structure in premises bearing No.1-11-251/21 situated at Begumpet, Hyderabad for the purpose of road widening proposal of S.P. Road leading from Hyderabad Public School to Y.M.C.A. to pay compensation and all other benefits accruing thereto in accordance with the provisions of the Act.

The case of the petitioners, *inter alia*, is that the first respondent by the impugned proceedings, dated 14.6.2005 proposed to acquire the land of the petitioners under Sections 146 and 147 of the Hyderabad Municipal Corporation Act for the purpose of road widening. It is their case that the proposed acquisition of their land, will affect their hotel business carrying on in the premises since the respondents, earlier, in the year 1998 had already acquired their land to the extent of 218.80 square yards, which was used for the parking purpose of their customers. It is stated that for the earlier acquisition of their land, the respondents have not paid any compensation. Further, it is stated that if the present acquisition proceedings are effected, the stair case provided to have access to the first and second floors will be completely demolished along with the reception, kitchen etc., and thus, they would be deprived of their hotel business and they have to wind up the business.

In view of the facts and circumstances of the case, I deem it appropriate to direct the respondents not to evict the petitioners from the land in question and not to demolish the structures, without following the procedure as per Sections 146 and 147 of the Hyderabad Municipal Corporation Act, pursuant to the impugned proceedings.

With the above direction, the writ petition is disposed of at the stage of admission. No order as to costs.

ELIPE DHARMA RAO, J

Date: 28th July, 2005

Isn